

DRAFT

ENVIRONMENTAL ASSESSMENT

CHECKLIST

Makoshika State Park Archery Improvements

June 19, 2023



Table of Contents

I.	Compliance with the Montana Environmental Policy Act	2
II.	Background and Description of Proposed Project	2
III.	Purpose and Need	4
IV.	Other Agency Regulatory Responsibilities	5
V.	List of Mitigations, Stipulations	6
VI.	Alternatives Considered	6
VII.	Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population ...	7
VIII.	Private Property Impact Analysis (Takings).....	19
IX.	Public Participation	20
X.	Recommendation for Further Environmental Analysis	21
XI.	EA Preparation and Review	21

I. Compliance with the Montana Environmental Policy Act

Before a proposed project may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
 - (i) a project, program, or activity initiated and directly undertaken by a state agency;
 - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
 - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

II. Background and Description of Proposed Project

Name of Project: Makoshika State Park Archery Range Improvements

FWP proposes to improve the archery course at Makoshika State Park. The Makoshika State Park Archery Range (range) is in the southern area of the park, about 4.5 miles from the visitor center. Since the 1960’s, the range has been operated by a local non-profit group. FWP obtained operations in the Spring of 2022. The range currently has two walking courses, each with 14 shooting stations, a storage shed, vault latrine, a single-track dirt access road and a parking area. The hiking trail is primitive improved safety. The existing storage shed is in poor condition. FWP proposes to purchase an additional storage shed to house future archery equipment that will accommodate planned youth archery programs. A vault toilet is currently on site that is in poor condition.

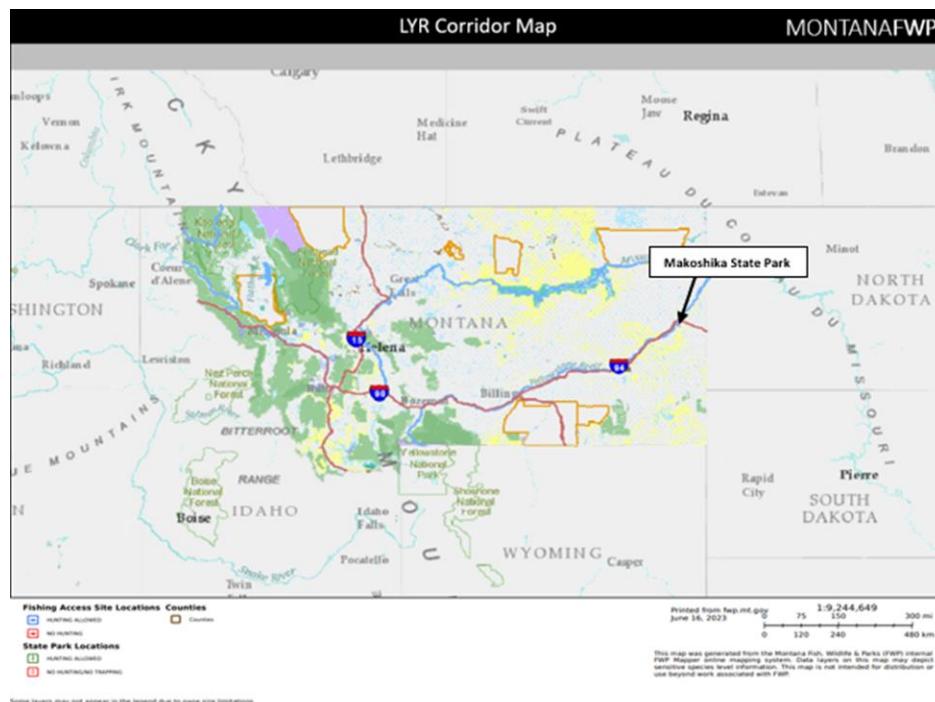
FWP would replace the existing vault latrine under the proposed action. Further, because the current access road is single track, FWP intends to widen the road and improve existing drainage areas to accommodate vehicles traveling in either direction at the same time. FWP would also replace the existing archery targets and add one or two new targets per station to provide a more realistic shooting experience, including different distances and angles. FWP is also planning to add a practice shooting station for repetitive shooting to sight in bows at different distances. The proposed improvements would increase safety at the existing range and improve the shooting experience for users.

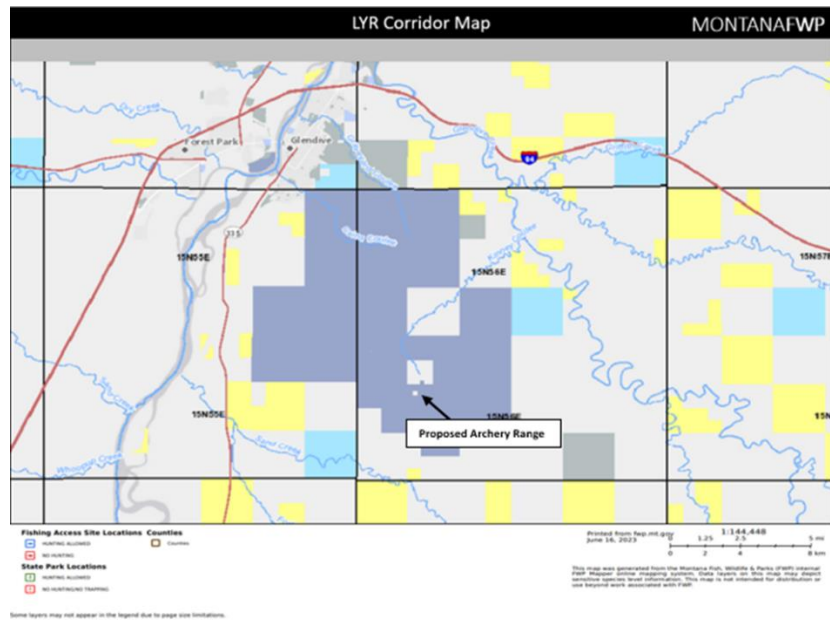
Under FWP management, the course will be open to the public and for organized events. In summary, the following improvements would be made to the existing range, with a completion date of September 30, 2024.

- Improve the access road to the archery range and increase the existing parking lot size.
- Purchase/install new targets including 3d targets, bows/arrows, and equipment for school programs and other users.
- Add a new vault latrine, a storage shed, and new picnic tables.
- Update and maintain existing trails, including a new swing gate and fencing.
- Install new signage including an information kiosk.
- Purchase/install car counters and necessary ground maintenance equipment.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 47 degree 1' 57.78" N 104 Degrees 39; 57.41" W
 - Section, Township, and Range: NW ¼ Section 29, T15N, R56E
 - Town/City, County, Montana: Glendive, Dawson, Montana
- Location Map





III. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

The purpose of the proposed project is to improve the existing range at Makoshika State Park. The proposed improvement project would accomplish the following objectives:

- Increase the safety of the trail,
- Provide a more realistic shooting experience,
- Provide facilities allowing the park to host archery programs.
- Encourage use the range and to practice archery before and during archery hunting seasons
- Makoshika State Park staff and schools would use the facility for youth programs and courses including the National Archery in Schools Program (NASP).

The range is unique, with varied terrain and vegetation, and serves a larger user base from novice to expert. Many of the actions conducted under the proposed project would be managed by FWP staff with some larger projects contracted out, including road repair, latrine construction/placement, and installation of a new storage shed. After project completion, the range would be able to host archery tournaments, contests, and youth programs.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory

Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.

Table 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
Dawson County Health Department	Permit for vault latrine	Meet applicable requirements of the Sanitation Act
FWP	Noxious Weed Management Plan	Limit the spread of noxious weeds on state-owned lands
FWP Heritage Program; Montana State Historic Preservation Office	Cultural Assessment/Survey	Identification of historic and/or archaeological sites located within or near the proposed project area

V. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
Permit, vault latrine	Dawson County Health Department	Sanitation Act	Ensure applicable sanitation standards and controls are maintained and enforced	
Noxious weed monitoring and mitigation	FWP	Noxious weed Management Plan	Limit the spread of noxious weeds on state lands	
Identification and protection of cultural resources	State Historic Preservation Office (SHPO)	Cultural assessment inventory	In keeping with the Montana Antiquities Act and related regulations, all undertakings on state lands are assessed for their potential to affect cultural resources. This project would be evaluated according to the process for cultural resource inventory outlined in Administrative Rules 12.8.501-12.8.510, and in consultation with the State Historic Preservation Office. FWP also consults with all tribal historic preservation offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines.	

VI. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** “are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 12.2.429(18).
- **Cumulative impacts** “means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.” ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent**, **duration**, **frequency**, and **severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

Table 3 - Potential Impacts of Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. Wildlife species located within or using the affected area include: mule deer, turkeys, mountain lion, and rattlesnakes. This list is representative but does not constitute a complete list of wildlife species present in the affected area. The proposed project would improve the existing infrastructure in place. Construction activities associated with the proposed project may temporarily prevent certain wildlife from using the affected area. However, any such impacts would be short-term and negligible, lasting only as long as the construction phase. Any adverse impacts would be short short-term and negligible.
Water quality, quantity, and distribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project is not near any water resources including rivers, streams, or well heads. Further, the proposed project would not require any new water use during or after construction. Therefore, no impacts would be expected because of the proposed project.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to geology would be expected because of the proposed project. The proposed project would result in limited ground disturbance associated construction activities. However, while Makoshika State Park does include numerous unique geologic formations, none would be impacted; therefore, no impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									project. The proposed project would improve water drainage along the shoulder of the road, which would improve affected soil quality, stability, and moisture content. Other construction activities may disturb existing vegetation and expose a limited amount bare ground. Soils disturbed by construction would be re-seeded with native vegetation. Installation of a new vault latrine would result in limited ground disturbance where placed. However, because installation would occur within the existing state park, where other vault latrines are currently located, any impacts would be consistent with existing impacts. Any impacts from the proposed project would be long term, moderate, and beneficial and short-term, minor and adverse
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. Ground disturbance associated with construction activities may adversely impact existing vegetation cover. Following construction, areas that are disturbed would be reseeded with native grass and forbs including native species found in the project area; therefore, any adverse impacts would be short-term and minor. Public use of the site would likely lead to increased opportunity for noxious weeds infestations. FWP would monitor and manage noxious weeds at the site according to the Noxious Weed Management Plan. Therefore, any adverse impacts would be long-term and minor.
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to aesthetics would be expected because of the proposed project. The proposed project would improve existing infrastructure thereby improving the visual experience for state park visitors. Any impacts would be long-term, beneficial, and minor. Some adverse impacts may result from construction activities

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										due to increased levels of noise, odors, fugitive dust, and the presence of equipment and construction materials. Any impacts would be short-term and minor, lasting only as long as the construction phase of the proposed project. Further, because the proposed project would occur within an existing state park and archery range, any impacts to the aesthetic nature of the affected area would be long-term, minor, and consistent with existing impacts.
Air quality		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with/attainment for the applicable health- and welfare-based national ambient air quality standards (NAAQS). Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads (fugitive dust), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). No significant point-sources of air pollution exist in the area affected by the proposed project. Fugitive dust emissions resulting from construction activities associated with the proposed project may adversely impact air quality. However, no air quality restrictions exist for the affected area; therefore, the proposed project would not be expected to cause or contribute to a violation of the applicable NAAQS for particulate matter (fugitive dust). Any impacts would be short-term, negligible, consistent with existing impacts, and mitigated by best management practices
Unique, endangered, fragile, or limited		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The presence

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
environmental resources									of any animal and/or plant species of concern and/or any Threatened or Endangered species located within or using the affected area were assessed. Because the proposed project would occur within an existing state park, any adverse impacts to affected species that may be located within or use the affected area would be short-term, negligible, and consistent with existing and historic impacts
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to historical and/or archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. If cultural resources within or near the project area are recorded and are eligible for the National Register of Historic Places, they will be protected from adverse impacts through adjustments to the project design or cancellation of the project if no design alternatives are available. If cultural resources are unexpectedly discovered during project implementation, FWP would cease implementation and contact FWP's Heritage Program for further evaluation. Further, the proposed project would occur within an existing State Park. Therefore, no impacts to any historical and archaeological sites would be expected because of the proposed project.

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. Fuel may be required to operate equipment used for the construction phase of the proposed project. However, any impacts would be limited by the anticipated short timeline for the construction phase of the proposed project and, as such, the amount of fuel used would be relatively limited. Therefore, any impacts to the demands for energy would be short-term and negligible. As identified previously through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality; some impacts to the environmental resources of land water, and air may occur because of the proposed project. However, any such impacts would be short-term and negligible or minor (see cited impacts analyses above). No other impacts would be expected because of the proposed project.</p>

Table 4 - Potential Impacts of Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Social structures and mores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to social structures and mores would be expected because of the proposed project. The proposed project would improve and add to existing infrastructure necessary to accommodate project objectives associated with the existing archery range located within Makoshika State Park. Many Montanans and those visiting the state for recreational purposes hold high regard for the state park system. The existing archery range constitutes an important element of the existing state park and improvements to the range under the proposed project would support increased and improved visitor experiences. Therefore, the proposed project have long-term, minor, and beneficial impacts to pre-project social structures, customs, values, and conventions of the affected area.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would improve infrastructure associated with the existing archery range within Makoshika State Park and it is not expected this action would result in any relocation of people into or out of the affected area. Therefore, no impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. No wilderness habitat or activities would be affected due to the proposed project. The Recreational opportunities at the existing archery range located within Makoshika State Park would be improved because of the proposed project. The improved archery range would be open to the public and no fees

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									would be charged for use. Further, the proposed improvements to the archery range would increase public opportunity to shoot a bow because additional targets would be added, and existing targets would be improved. Any impacts would be long term, moderate, and beneficial.
Local and state tax base and tax revenues	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the local and state tax base and tax revenues would be expected because of the proposed project. No fees would be charged to the public for use of the improved archery range. Further, funding for the proposed project would be sourced from the federal government using funds specifically earmarked for archery and rifle ranges. Increased use of the archery range and state park associated with the proposed project may result in an increase of money spent in affected nearby communities. Any impacts would be long-term, minor, and beneficial.
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to agricultural or industrial production would be expected because of the proposed project. The affected area is an existing state park and is not used for agricultural or industrial production. Because the affected area is not used for agricultural or industrial production the proposed project would not impact such practices.
Human health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to human health and safety would be expected because of the proposed project. Affected government staff and/or contractors hired to conduct the project may realize increased risk to human health and safety during construction activities; however, FWP would require affected staff and/or contractors to operate in a safe manner and utilize best management practices, including the use of available and appropriate safety precautions. Therefore, any potential adverse

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									impacts to government staff or contractors conducting the work would be short-term and negligible. Human health and safety would likely improve for users of the archery range and more broadly the state park, as infrastructure improvements would increase the safety of hiking trails and provide an improved area for people to get out and get some exercise as they hike around the archery course. Therefore, any impacts to archery range and state park users would be long term, minor, and beneficial.
Quantity and distribution of employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Many of the proposed improvements would be accomplished directly by FWP staff while some of the work may be contracted out to a private company, including road repair, latrine construction/placement, and installation of a new storage shed. The proposed project would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, any impacts would be short term and minor.
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would use existing government staff and/or contractors to accomplish the proposed infrastructure improvements and would not otherwise require or result in the movement of existing or new population into or out of the affected area. Therefore, no impacts would be expected because of the proposed project.
Demands for government services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The proposed project would use existing government staff and/or hired contractors to complete the work. Further, FWP staff would regularly monitor the area for any resource damage, litter, etc. Facilities would be maintained to state

HUMAN POPULATION	Duration of Impact			Severity of Impact					
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
									park standards. Normal and routine maintenance costs, including monitoring and control of noxious weeds, would continue because of the proposed project. No additional demands for government services would be expected because of the proposed project. Therefore, any impacts would be short- and long-term, and minor.
Industrial, agricultural, and commercial activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Because the affected area is a state park, no industrial, agricultural, or commercial activities currently occur in the affected area. Therefore, no impacts to industrial, agricultural, and/or commercial activity would be expected because of the proposed project.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. Makoshika State Park was established to provide Montanans and those visiting the state with varied recreational opportunities in a remote setting, unspoiled by human impacts to the environment. The state park continues to be managed to support this objective. The primary objective of the proposed project would be to improve existing infrastructure associated with the existing archery range and would not change the purpose and intent of the affected area. FWP is unaware of any other locally adopted environmental plans or goals that would be impacted by the proposed project. Any impacts would be long-term, beneficial, and minor.

Table 5: Determining the Significance of Impacts on the Quality of the Human Environment

If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.

According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.

Criteria Used to Determine Significance

1	<p>The severity, duration, geographic extent, and frequency of the occurrence of the impact</p> <p>"Severity" describes the density of the potential impact, while "extent" describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>"Duration" describes the time period during which an impact may occur, while "frequency" describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

VIII. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 7: Private Property Assessment (Takings)

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Taking or damaging implications exist if **YES** is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to question 4a or 4b.

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

IX. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).
- Public notice will be served on the Montana Fish, Wildlife and Parks website at:
<https://fwp.mt.gov/news/public-notices>
- Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.
- FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).
- FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.

Newspaper / Periodical	Date(s) Public Notice Issued
Glendive Ranger-Review	Week of June 18 and 25
Sidney Herald	Week of June 18 and 25

- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
 - **Duration of Public Comment Period:** The public comment period begins on the date of publication of legal notice in area newspapers (see above). Written or e-mailed comments will be accepted until **5:00 p.m., MST**, on the last day of public comment, as listed below:

Length of Public Comment Period: 15 days

Public Comment Period Begins: June 19, 2023

Public Comment Period Ends: July 18, 2023

Comments must be addressed to the FWP contact, as listed below.

- **Where to Mail or Email Comments on the Draft EA:**

Name: RILEY BELL

Email: Riley.Bell@MT.GOV

Mailing Address:

PO Box 1242

Glendive, MT 59330

X. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

XI. EA Preparation and Review

	Name	Title
EA prepared by:	Riley Bell	Recreation Manager
EA reviewed by:	Eric Merchant	MEPA Coordinator